

### Home Care Workers Should Have the Right to Minimum Wage and Overtime Pay

Washington, DC - Members of the Congressional Labor and Working Families Caucus, along with several of their colleagues, sent a letter to the U.S. Secretary of Labor, Hilda Solis, urging her to ensure fair labor protections for home care workers, who are denied minimum wage and home care protection under the Fair Labor Standards Act (FLSA).

“Home care workers are the backbone of our nation’s long-term care system, providing essential care and daily living services to more than 15 million Americans,” said Rep. Linda Sánchez, Co-Chair of the Labor and Working Families Caucus. “However, these are among the worst-paying jobs in America - mostly because of Department of Labor regulations that exclude them from federal minimum wage and overtime protections.”

“Our ability to meet our nation’s long term care challenges depends largely on a strong workforce of home care workers,” said Rep. Michael Michaud, Co-Chair of the Labor and Working Families Caucus. “It is therefore critical that we replace the existing regulations and ensure that these workers, who provide essential services to our nation’s elderly and disabled, have the right to a minimum wage and overtime pay.”

“The country will need thousands of home care workers if it’s going to keep up with baby boomers and families who cannot afford nursing home care,” said Rep. Stephen Lynch, Co-Chair of the Labor and Working Families Caucus. “Because home care jobs are so poorly compensated, and do not allow for meaningful wage increases or promotions, we are losing high-quality, compassionate caregivers.”

Home health care is an affordable alternative to nursing home or other inpatient care that allows seniors and people with disabilities to remain independent and in their communities. Given the projected increase in demand for such care as the baby boom generation ages, the letter’s signatories believe that the requested rule change will reduce caregiver turnover, increase quality care, and benefit families headed by these hardworking, but low-wage earners.

The Washington Post recently ran a compelling piece following the daily lives of home care workers. Click here to read [Marilyn Daniel’s Reward: She works long hours for low wages as a home health aide -- a job so demanding and underappreciated that others leave in droves. So why hasn't she?](#)

Text of the letter to Secretary Solis is as follows:

Dear Secretary Solis:

Please allow us to congratulate you on your nomination and confirmation as Secretary of Labor. We write today with regard to home care workers, who are denied minimum wage and home care protection under the Fair Labor Standards Act (FLSA).

Rights earned decades ago by other similar workers continue to be denied to these

hardworking employees on the front lines of health care provision. In 1975, after Congress had revised the FLSA to include previously excluded domestic service workers, the Department of Labor issued rules that exempted home care aides from federal overtime and minimum wage protections. The Clinton Administration's Department of Labor issued proposed rules to correct this injustice, but the Bush Administration withdrew those proposals.

Rapidly growing demand for home and community based care for elders and people with disabilities has made home care work one of the few high-growth occupations where a college education is not required. Unfortunately, it also suffers from one of the highest turnover rates. There were more than 1.5 million home care aides as of 2006, and by 2016 there is a projected need for another three-quarters of a million. But if labor conditions are not improved, the demand for more workers may prove difficult to meet, quality of care may decline, and those within the industry will find themselves less and less able to meet basic living expenses for themselves and their families.

The U.S. Supreme Court has affirmed the authority of the U.S. Department of Labor to issue rules that determine the scope of the "companionship" exemption (*Long Island Care at Home, Ltd. v. Coke*, 551 U.S. 158 (2007)). We ask that you exercise your authority to issue new rules that give home care workers employed by home care agencies the rights already enjoyed by every other worker in long-term care.

As you take on your new role as Secretary of Labor, we look forward to working with you to better the lives of workers and their families. Congratulations again, and thank you for your attention to this important matter facing home care workers. Should your staff need any further information, please do not hesitate to contact Celeste Drake in the office of Rep. Linda Sánchez at 202-225-6676.

Sincerely,

Linda T. Sánchez  
Michael Michaud  
Stephen Lynch  
Joe Baca  
Corrine Brown  
Lois Capps  
Andre Carson  
Donna M. Christensen  
Danny K. Davis  
William Delahunt  
Sam Farr  
Chaka Fattah  
Bob Filner  
Raul Grijalva  
Phil Hare  
Alcee Hastings  
Martin Heinrich

Ruben Hinojosa  
Mike Honda  
Eddie Bernice Johnson  
Marcy Kaptur  
Jim Langevin  
John Lewis  
George Miller  
James Oberstar  
Chellie Pingree  
Ciro Rodriguez  
Lucille Roybal-Allard  
Bobby Rush  
Tim Ryan  
Gregorio Kilili Sablan  
Jan Schakowsky  
Betty Sutton  
Mike Thompson  
Diane Watson  
Charlie Wilson  
Lynn Woolsey